

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Shelly Pheigaru,

Plaintiff,

v.

**Shell Exploration and Production
Company,**

Defendant.

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CIVIL ACTION NO. 4:16-CV-03228

JURY TRIAL DEMANDED

DECLARATION OF DAVID SCHEWITZ

1. "My name is David Schewitz. I am over the age of eighteen (18) years of age and am legally competent to testify to the facts set forth in this Declaration. All statements contained in this Declaration are true and correct and based on my personal knowledge.
2. During all relevant periods set forth herein, I have been employed in the following positions: Shell Exploration & Production Company ("SEPCo"): Manager of Geophysics in 2012, Vice President of Geophysics, Geomatics, and Data Management 2013-15, and as Shell International Exploration and Production Inc. ("SIEP"): General Manager, Geophysics West 2016-present. My responsibilities included managing the Data Management Group from 2012-2015.
3. SEPCo is in the business of exploring for and producing gas and crude oil in the United States and its offshore waters. SEPCo's Exploration organization is responsible for finding hydrocarbons and gas and appraising the discovery before commerciality is declared. Part of the exploratory process requires acquiring, process, and storing data, which is the remit of the Geophysics, Geomatics and Data Management organization. The Geophysics, Geomatics and Data Management organization consists of several departments, including the Data Management Group, which, in turn, consists of several teams, including the Well Data Management team.
4. Shelly Pheigaru worked as a technical data management technician in the Well Data Management team. As a result of the economic downturn in the oil and gas industry, SEPCo experienced less drilling of exploration wells as well as reduced seismic demand. Despite its efforts to reduce costs, to correlate with the reduced business activity level, SEPCo was

forced to make the tough decision to reduce its workforce by 10-20%, to create a stronger and more competitive organization.

5. For the Data Management Group, I prepared a spreadsheet of the fifty-three employees within the Data Management Group. All the employees were sorted based on their average individual performance factors ("IPF") (or performance rankings) for 2012, 2013, and 2014. I provided the spreadsheet to Karl Fleischmann, TDM Manager, Technical Data Management/Americas, who, in collaboration with each respective supervisor, modified the spreadsheet to identify ten employees (marked in red) who would be impacted by the workforce reduction. The decision to select ten employees was consistent with SEPCo's decision to reduce its workforce by 10-20%.
6. In the Well Data Management team, four employees, including Ms. Pheigaru, were impacted by the workforce reduction while six employees, Leah Camilli, Yanwen Fan, Luke Harkleroad, Steve Heying, Angelica Medrano, and Jody Tassin, were not impacted by the workforce reduction. Ms. Pheigaru ranked lowest within the Well Data Management team and second lowest within the Data Management Group.
7. In selecting who would be impacted, SEPCo considered a number of factors, including performance, capabilities, demand for work/services, competencies, skills, and SEPCo's short and long term organizational needs. Karl Fleischmann, Randy Petit, and I were involved in the decision to terminate Ms. Pheigaru's employment. In light of the above factors, the decision to terminate Ms. Pheigaru's employment as part of the workforce reduction was based on Ms. Pheigaru's lower level of sustained performance. The decision had nothing to do with Ms. Pheigaru's gender, pregnancy, leave of absence, or disability.
8. I am a custodian of records for SEPCo and am familiar with the manner in which records of SEPCo are created and maintained by virtue of my duties and responsibilities. The exhibits attached to this Declaration are business records. The records are exact duplicates of the original records of SEPCo. The records were made at or near the time of each act, event, condition, opinion, or diagnosis set forth. It is the regular practice of SEPCo for these types of records to be made by, or from information transmitted by, persons with knowledge of the matters set forth in them. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity of SEPCo to make the records.
9. I declare under penalty of perjury that the foregoing is true and correct."

Executed on May 8th, 2017.

David Schewitz
